



**Annual 17 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2010 covering the prior calendar year 2009

Date filed: February 16, 2010

Name of company covered by this certification: deltathree, Inc.

Form 499 Filer ID: 826021

Name of signatory: Peter Friedman

Title of signatory: General Counsel and Secretary

Certification:


I, Peter Friedman, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, record keeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (proceedings instituted or petitions filed by a company at either state commissions, the court system or at the Commission against data brokers) against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed 



Statement Accompanying Annual Compliance Certificate

Pursuant to Section 64.2009 of the rules and regulations adopted by the Federal Communications Commission (the “Commission”), 47 C.F.R. § 64.2009, deltathree, Inc. (“deltathree”) has prepared this Statement regarding its compliance with the Commission’s rules pertaining to customer proprietary network information (“CPNI”), as defined in Section 222(h)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 222(h)(1).

Deltathree engages in the following activities in relation to CPNI:

- **Employee Education:** Deltathree employees are made aware of their obligations to comply with CPNI confidentiality requirements.
- **Informing Customers:** Deltathree customers are made aware of the Commission’s CPNI rules and the requirement that CPNI be kept confidential.
- **Customer CPNI Restriction:** Deltathree provides its customers the ability to restrict the use of their CPNI to the extent use of their CPNI may be restricted pursuant to the Commission’s CPNI rules.

In the event deltathree conducts a marketing campaign that utilizes CPNI, deltathree will utilize the following procedures:

- **System to Retain Records of Deltathree’s Sales and Marketing Campaigns:** Deltathree will maintain records relating to sales and marketing campaigns that utilize CPNI.
- **Supervisory Review Process for All Sales and Marketing Campaigns:** Sales and marketing campaigns will be reviewed to ensure that they comply with the Commission’s CPNI rules. Deltathree will retain records of such reviews.
- **Process to Maintain Customer Approvals:** Deltathree will implement a system to allow its employees, affiliates, agents, joint venture partners and/or independent contractors to determine the status of a customer’s approval to use its CPNI, whenever customer approval is required. To the extent required under the Commission’s rules Deltathree will obtain customer consent to use CPNI and will retain records of such approvals.

Procedures to Communicate Opt-Out Failures to the FCC: Deltathree has procedures in place to determine when its opt-out procedures are not working effectively, and in such event will notify the Commission by letter within five (5) business days.